

Message Text

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APPROVED BY P - AMBASSADOR PORTER

EUR - MR. ARMITAGE

EUR/SES - MR. STEFAN

EUR/EE - MR. BAKER (DRAFT)

SCI/SA - MR. SAMPAS (DRAFT)

L/ECP - MR. BUSHONG (DRAFT)

USIA/IEE - MR. JENKINS (DRAFT)

USIA/IEE - MR. FERNANDEZ (DRAFT)

S/S - MR. BARNES

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R 111623Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY BUDAPEST

INFO AMEMBASSY PRAGUE

C O N F I D E N T I A L STATE 159414

E.O. 11652: GDS

TAGS: SCUL, HU

SUBJECT: EXCHANGES: AGREEMENT WITH HUNGARY

REFERENCE:A)STATE 81800; B) STATE 81799; C) STATE 81802;

D) BUDAPEST 2024; E) PRAGUE 1044

1. AT ITS EARLIEST CONVENIENCE EMBASSY SHOULD SUBMIT US
COUNTERDRAFT EXCHANGES AGREEMENT (REF A) TO MFA. PARA 3
OF THIS TELEGRAM CONTAINS CERTAIN REVISIONS OF AGREE-
MENT, WHICH SHOULD BE INCORPORATED IN TEXT BEFORE
PRESENTATION TO HUNGARIANS. DURING ITS PRESENTATION
EMBASSY MAY DRAW ON INSTRUCTIONS AND TALKING POINTS SET
FORTH IN REF B. EMBASSY SHOULD ADD THAT WE WOULD BE
PREPARED TO SEND A SMALL GROUP OF EXPERTS TO BUDAPEST
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AT AN EARLY DATE TO FACILITATE NEGOTIATIONS ON

EXCHANGES AGREEMENT.

2. YOU SHOULD ALSO INFORM MFA THAT US WOULD PREFER TO HANDLE IMPLEMENTING ARRANGEMENTS THROUGH AN EXCHANGE OF LETTERS (ALTERNATIVE TWO OF REF C). LETTERS COULD BE NEGOTIATED AFTER INITIALING OF THE BASIC AGREEMENT AND WOULD ENTER INTO FORCE UPON SIGNATURE OF THE BASIC AGREEMENT. THEY COULD BE RENEWED IN CONJUNCTION WITH THE PERIODIC REVIEW MEETINGS PROVIDED FOR IN ARTICLE V OF THE US COUNTERDRAFT. WE BELIEVE THAT THESE REVIEW

MEETINGS SHOULD BE HELD ANNUALLY. WHEN THE BASIC AGREEMENT IS SIGNED, LETTERS COULD BE CITED IN ARTICLE III OR IN ARTICLE V. EMBASSY SHOULD PRESENT LIST OF SPECIFIC EXCHANGES (PARA 3 OF REF C) TO HUNGARIANS AS EXAMPLE OF THE ACTIVITIES WHICH WE WOULD PROPOSE FOR INCLUSION IN LETTERS TO BE EXCHANGED.

3. FOLLOWING ARE REVISIONS OF US COUNTERDRAFT SENT REF A. FOR PURPOSES OF CLARITY, ALL OF RELEVANT ARTICLES OR PARAGRAPHS, INCLUDING REVISIONS, ARE SHOWN.

ARTICLE I (1) - "THE PARTIES SHALL ENCOURAGE EXCHANGES AND COOPERATION IN THE ARTS, CULTURE, COMMUNICATIONS, EDUCATION, THE HUMANITIES AND SOCIAL SCIENCES, SPORTS, AND OTHER FIELDS BY PROVIDING OPPORTUNITIES FOR AND FACILITATING APPROPRIATE CONTACTS AND ACTIVITIES BETWEEN INDIVIDUALS AND INSTITUTIONS OF THE TWO COUNTRIES. SUCH CONTACTS...;"

ARTICLE I (1)C - "EXCHANGE OF BOOKS, PERIODICALS, AND OTHER MATERIALS, WRITTEN OR DEMONSTRATIVE, FOR USE BY CULTURAL AND SCIENTIFIC ORGANIZATIONS, UNIVERSITIES, OTHER INSTITUTIONS OF HIGHER LEARNING, AND LEARNED SOCIETIES;"

ARTICLE I (2)B - "ESTABLISHMENT OF UNRESTRICTED ACCESS TO ALL LIBRARIES, MUSEUMS, CULTURAL CENTERS, READING ROOMS, AND ARCHIVES OPEN TO THE PUBLIC OR TO SCHOLARS IN
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EITHER COUNTRY."

ARTICLE VII - "THE PARTIES AGREE TO ENCOURAGE AND FACILITATE, AS APPROPRIATE, ADDITIONAL EXCHANGES AND COOPERATION WHICH MAY BE AGREED UPON BY THE PARTIES OR ARRANGED BY INTERESTED INDIVIDUALS OR ORGANIZATIONS OF THE TWO COUNTRIES."

4. FYI: WE HAVE NOTED EMBASSY'S CONCERN (PARA 2 REF D) THAT HUNGARIANS COULD CITE ARTICLE VI OF US COUNTERDRAFT TO JUSTIFY CONTINUANCE OF RESTRICTIONS ON EMBASSY INFORMATIONAL ACTIVITIES, IN SPITE OF THE COMMITMENT TO "PERMIT AND FACILITATE" THESE ACTIVITIES CONTAINED IN ARTICLE I(2)A OF THE US COUNTERDRAFT. ARTICLE VI IS STANDARD PROVISION FOUND IN OUR EXCHANGES AGREEMENTS WITH USSR AND EASTERN EUROPEAN COUNTRIES, AND MUST BE RETAINED IN HUNGARIAN AGREEMENT. (ONE PURPOSE OF THIS PROVISION IS TO PROVIDE AN ESCAPE CLAUSE IN CASE INSUFFICIENT FUNDS APPROPRIATED TO IMPLEMENT PROGRAMS PROVIDED FOR UNDER THE AGREEMENT). WE HAVE

SOUGHT TO BALANCE THIS PROVISION TO MAXIMUM EXTENT POSSIBLE BY SECOND SENTENCE OF ARTICLE VI WHICH COMMITS BOTH PARTIES "TO USE THEIR BEST EFFORTS TO PROMOTE FAVORABLE CONDITIONS FOR THE FULFILLMENT OF THE PROVISIONS AND OBJECTIVES OF THIS AGREEMENT." TO OUR KNOWLEDGE, THE ONLY OFFICIAL BASIS FOR HUNGARIAN RESTRICTIONS ON EMBASSY INFORMATIONAL ACTIVITIES IS MFA NOTE OF SEPTEMBER 30, 1955, WHICH IS NEITHER A LAW NOR REGULATION. DOES EMBASSY HAVE CONTRARY OR ADDITIONAL INFORMATION? WE INTEND TO EXPLORE THIS POINT DURING NEGOTIATIONS. END FYI. ROGERS

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